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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,695	10/22/2003	Satoshi Kiyoto	500.43229X00	4659
24956 7590 07/24/2008 MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C. 1800 DIAGONAL ROAD SUITE 370 ALEXANDRIA, VA 22314				
EXAMINER				
BELL, LOUIS W				
ART UNIT		PAPER NUMBER		
2619				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

10/689,695

## Applicant(s)

KIYOTO ET AL.

## Examiner

LOUIS BELL

## Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 1-5, 7 and 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6, 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This is a Final Office Action in response to the arguments and claims filed on 6/20/2008 in response to a previous Final action to the present US Application. Claims 1-5 and 7-8 are cancelled. **Claims 6 and 9** are presented for examination.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 6 and 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Patent No.: US 6,970,930 B1 to Donovan, "Donovan" in view of Pub. No.: US 2002/0145975 A1 to MeLampy et al. "MeLampy".

As to **claims 4 and 6** Donovan discloses a peer-to-peer communication system comprising: session relay apparatuses (*SIP proxy servers 1 and 2, Fig. 5*) which relay session control messages used for peer-to-peer communication between communication terminals (*the Sip UAC and SIP UAS establish a peer-to-peer full duplex communication "Hello!" signal, Fig. 5*); Edge nodes, in a network coupling the communication terminals, accommodating the communication terminals to the network (*R1 and R2, Fig. 5*).

Donovan does not expressly disclose a core node which executes a packet relay process in the network.

Melampy discloses a core node to forward packages (*session router 2001, Fig. 10*).

Donovan discloses a first session relay apparatus receives a session control message from a first communication terminal (*SIP INVITE 1, Fig. 5*) and a second session relay apparatus receives a session control message from a second communication terminal (*SIP 180 Fig. 5*) and wherein when the first session relay apparatus receives a session establishment request from the first communication terminal as a communication source (*SIP UAC initiates the call, col. 4 ln 3-6*); the first session relay apparatus transfers the session establishment request to the second session relay apparatus (*SIP INVITE 6, Fig. 5*); the second session relay apparatus transfers the session establishment request to the second communication terminal (*SIP INVITE 11, Fig. 5*); if the second communication terminal is available to communicate, the second communication terminal transfers a message representing that the communication is available, to the second session relay apparatus (*SIP 200 OK 23, Fig. 5*); after the second session relay apparatus transfers the message representing that the communication is available, to the first session relay apparatus (*SIP 200 OK 24, Fig. 5*); the first session relay apparatus generates a packet relay process policy for a peer-to-peer communication packet, distributes the policy to a first edge node accommodating the first communication terminal and causes the first edge node to register the policy (*Fig. 5 signal 18, 19, 20 and 21, col. 6 steps 18-21, SIP 1 and POL 1*

*perform the functions of the first session relay apparatus SIP1 relay messages and POL 1 provide policy to the router accommodating the first terminal); and the second session relay apparatus generates a packet relay process policy to the peer-to-peer communication packet, distributes the policy to a second edge node accommodating the second communication terminal and causes the second edge node to register the policy to finish a policy setting process to the edge nodes (Fig. 5 signals 13, 14, 15 and 16, col. 6 steps 13-16);*

Donovan does not expressly disclose the peer-to-peer communication packet from the first communication terminal is set for a next relay node based on the policy in the first edge node to select a network to be relayed.

MeLampy discloses session router, SR, *(a router that comprises a proxy server and policy, pg. 7, pg 77 and pg. 10 pgh 99, Fig 3A and 3B)* that select the next hop, and thus a path for the data connection from various potential paths *(pg. 32 pg 711, Fig. 12A to Fig. 13B)*, based on various policy parameters such as a quality of service, QoS, latency and jitter *(pg 9 pgh 95)*.

Donovan and MeLampy are analogous art because they are from the same field of endeavor with respect to communication systems. At the time of the invention, it would have been obvious to a person of ordinary skilled in the art to combine the teaching of Donovan: setting up a path using SIP and MeLampy: configuring a router with policy information with motivations such as to provide transport of real time signals through multiple networks *(MeLampy, pg. 4 pgh 53)*.

As to **claim 9** Donovan further discloses the first session relay apparatus receives a session end request from the first communication terminal (SIP BYE 1, Fig. 6), the first session relay apparatus transfers the session end request to the second session relay apparatus (SIP BYE 2 Fig. 6); the second session relay apparatus transfers the session end request to the second communication terminal (SIP BYE 3, Fig. 6); and after the second communication terminal transfers an OK message to the second session relay apparatus in response to the session end request (SIP By 200 OK, signal 10. This signal is then propagated all the way to the first terminal, signals 11 and 12, Fig. 6).

Donovan discloses the end of the session starting from the calling terminal SIP UAC as described above. Donovan does not expressly disclose the session termination from starting from the called terminal. However, SIP END can be started from either the calling or the called terminal since the end result is to tear down the communication path.

MeLamphy discloses that either side of a communication can send a SIP BYE message at any time (*pg. 5 pgh 60*).

Donovan further discloses the first session relay apparatus causes the first edge node accommodating the first communication terminal to delete the policy distributed to the first edge node (*fig. 6, col. 7 steps 4-7*) and the second session relay apparatus causes the second edge node accommodating the second communication terminal to delete the policy distributed to the second edge node (*fig. 6, col. 7 steps 13-16*).

Donovan and MeLampy are analogous art because they are from the same field of endeavor with respect to communication systems. At the time of the invention, it would have been obvious to a person of ordinary skilled in the art to combine the teaching of Donovan: setting up a path using SIP and MeLampy: configuring a router with policy information with motivations such as to provide transport of real time signals through multiple networks (*Melampy*, pg. 4 *pg*h 53).

### Response to Arguments

4. Applicant's arguments file on 6/20/2008 have been fully considered but are moot in view of the new ground(s) of rejection.

### Conclusion

5. Applicant's amendment filed on 12/10/2007 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Contact***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis Bell whose telephone number is 571-270-3312. The examiner can normally be reached on Monday-Friday 7:30 a.m. to 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derrick Ferris can be reached on 571-272-3123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LB/

/CHAU T. NGUYEN/  
Supervisory Patent Examiner, Art Unit 2619